

## **REMARKS**

### **Summary**

The Application has been carefully reviewed in light of the Office Action dated February 27, 2007. Claims 1-17 are currently pending in the application, with Claims 1, 5, 12, and 13 having been amended, and with Claims 2-4, 6-11, and 14 having been cancelled without prejudice, and with Claims 15-17 having been added. Reconsideration and further examination is respectfully requested.

### **Objections**

Claims 2-4, 6-11, and 13-14 have been objected to for informalities. Claims 2-4, 6-11, and 14 have been cancelled herein. Also, the limitation under line 9 of Claim 13 has been deleted. Therefore, withdrawal of the claim objection is respectfully requested.

### **Claim Rejections under 35 USC § 112**

Claims 5 and 13 are rejected under 35 USC § 112 as failing to comply with the written description requirement. Amended claims 5 and 13 recite a histogram of the image. The histogram is disclosed in the specification. For instance, paragraph [0045] of the specification discloses "the histogram holding section 5 holds a histogram of the overall image data and a histogram of a mask region". Therefore, withdrawal of the claim rejections is respectfully requested.

### **Claim Rejections under 35 USC § 102**

Claims 5 and 13 are rejected under 35 USC § 102(b) over US Published Application No. 2002/0075465 (Nakamura).

Amended independent Claim 5 recites an image processing method comprising calculating a highlight point and a shadow point of an image from a histogram of the image, generating a gradation correction based on the highlight point and the shadow point, detecting a face region in the image, calculating a

representative luminance of the detected face region, setting a target luminance based on the representative luminance, generating an exposure correction based on the representative luminance and the target luminance, and correcting the image based on the gradation correction and the exposure correction.

The applied art, namely Nakamura, is seen to teach the preparation of a histogram and calculation of the quantity of image characteristics including mean density, LATD, highlight, shadow and the like are carried out frame by frame with respect to the pre-scanned data ([0092], Nakamura). While Nakamura teaches processing unit 126 that allows the main scanning data to be subjected to given image processing such as gradation correction ([0085] Nakamura), Nakamura is not seen to disclose or suggest performing gradation correction based on the highlight point, shadow point, the target highlight point, and the target shadow point of the image. In addition, Nakamura is not seen to disclose or suggest the exposure correction based on the representative luminance and the target luminance of the face region of the image. In fact, nowhere is Nakamura seen to describe detecting a face region of an image.

Based on the foregoing remarks, Applicants respectfully submit that Nakamura is not seen to anticipate the present invention recited in amended independent Claim 5. Independent Claim 5 is therefore believed to be in condition for allowance, and Applicants respectfully request the Examiner to withdraw the rejection and indicate Claim 5 as allowable at the Examiner's earliest convenience.

In addition, amended independent Claim 13 includes substantially similar features as that of amended independent Claim 5 and was rejected for the same reasons as Claim 5. Therefore, Claim 13 is also believed to be in condition for allowance for at least the reasons discussed above with respect to Claim 5. As such, Applicants respectfully request the Examiner to withdraw the rejection of Claim 13, and indicate that Claim 13 is allowable at the Examiner's earliest convenience.

### **Claim Rejections under 35 USC § 103**

Claims 1 and 12 have been rejected under 35 USC §103(a) over Nakamura, in view of US Published Application 2002/0012463 (Yamada). Claim 3 has been rejected under 35 USC §103(a) over Nakamura, in view of US Patent No. 5,715,325 (Bang). Claim 9 has been rejected under 35 USC §103(a) over Nakamura, in view of US Patent No. 5,194,946 (Morikawa). Claim 10 has been rejected under 35 USC §103(a) over Nakamura, in view of US Published Application No. 2004/0234153 (Nakami).

Amended independent Claim 1 recites an image processing device comprising calculating means for calculating a highlight point and a shadow point of an image from a histogram of the image, setting means for setting a target highlight point and a target shadow point based on photographic information of the image, first generating means for generating a gradation correction based on the highlight point, the shadow point, the target highlight point and the target shadow point, detecting means for detecting a face region in the image, second generating means for generating an exposure correction based on a histogram of the face region, and correcting means for correcting the image based on the gradation correction and the exposure correction.

As stated above with respect to Applicants' remarks for the §102 rejections, Nakamura is not seen to disclose or suggest performing gradation correction based on the highlight point, shadow point, the target highlight point, and the target shadow point of the image. In addition, Nakamura is not seen to disclose or suggest the exposure correction based on a histogram of the face region of the image.

The other applied art, namely Yamada, Bang, Morikawa and Nakami, are not seen to remedy the foregoing deficiencies of Nakamura. Based on the foregoing remarks, Applicants respectfully submit that Nakamura, Yamada, Morikawa and Nakami, either alone or in combination, are not seen to disclose or suggest the present invention recited in amended independent Claim 1. Independent Claim 1 is therefore believed to be in condition for allowance, and

Applicants respectfully request that the Examiner to withdraw the rejection and indicate Claim 1 as allowable at the Examiner's earliest convenience.

In addition, amended independent Claim 12 includes substantially similar features as that of amended independent Claim 1 and was rejected for the same reasons as Claim 1. Therefore, Claim 12 is also believed to be in condition for allowance for at least the reasons discussed above with respect to Claim 1. As such, Applicants respectfully request that the Examiner withdraw the rejection of Claim 12, and indicate that Claim 12 is allowable at the Examiner's earliest convenience.

The other pending claims remaining under consideration in this application, including the newly added Claims 15-17, are each dependent from the independent claims discussed above and are therefore believed to be in condition for allowance for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merit is respectfully requested.

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### CONCLUSION

Any amendments to the claims which have been made in this response which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account Number 502456.

Should the Examiner have any questions, the Examiner may contact Applicants' representative at the telephone number below.

Respectfully submitted,

6/27/07

Date

/Trevor Chuang/

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